UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 07-6999

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VISTON SHYROCK MARTIN,

                              Petitioner - Appellant,

        versus

WARDEN, KEEN MOUNTAIN CORRECTIONAL CENTER,

                              Respondent - Appellee.

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Appeal from the United States District Court for the Western
District of Virginia, at Roanoke.   Jackson L. Kiser, Senior
District Judge. (7:07-cv-00067-jlk)

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Submitted: November 19, 2007   Decided: December 6, 2007

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Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Viston Shyrock Martin, Appellant Pro Se. Karri B. Atwood, OFFICE
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Viston Shyrock Martin seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Martin has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. Additionally, we deny Martin's motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

<div align="right">DISMISSED</div>